

**Brookline Board of Appeals
March 24, 2016, 7:00 PM
Public Hearing**

**333 Washington Street
6th Floor Selectmen's Hearing Room**

Board Members Present: *Jesse Geller (Chairman), Christopher Hussey, Jonathan Book*
Staff Present: *Michael Yanovitch (Building Dept.), Jay Rosa (Planning Department)*

25 Alton Court

Proposal: Renovate three-family dwelling, relocate living space in the basement, and construct a roof deck

Zoning District: M-1.0 (Apartment House)

Precinct: 7

Board Decision: Request for continuance to 3/31/2016 **granted**

118 Pleasant Street

Proposal: Convert from three-family dwelling to a four-family dwelling, and construct a detached garage

Zoning District: M-1.5 (Apartment House)

Precinct: 2

Board Decision: Relief request **granted**, subject to conditions

132 Carlton Street

Proposal: Convert existing single-family dwelling to a 16-room lodging house with one caretaker suite

Zoning District: S-7 (Single-Family)

Precinct: 1

Board Decision: Relief request **granted**, subject to conditions

Minutes shall be posted on the Town of Brookline website (<http://www.brooklinema.gov/564/Zoning-Board-of-Appeals>) upon approval. Draft minutes shall be made available upon request.

Decisions shall be posted on the Town of Brookline website (www.brooklinema.gov). Appeals, if any, shall be filed with land court or superior court within twenty days after the date of filing of such notice in the office of the town clerk.

**Brookline Board of Appeals
March 24, 2016, 7:00 PM
Public Hearing**

**333 Washington Street
6th Floor Selectmen's Hearing Room**

Board Members Present – Jesse Geller (Chairman), Christopher Hussey, Kate Poverman
Staff Present – Michael Yanovitch (Building Dept.), Jay Rosa (Planning Dept.)

7:00PM

25 Alton Court – Renovate three-family dwelling, relocate living space in basement, and construct a roof deck

Board Chairman Jesse Geller opened the hearing and called case #2015-0056. Mr. Geller reviewed standard hearing procedures.

The Applicant's attorney, Jacob Walters waived the reading of public hearing notice for the record and stated that he is requesting a case continuance to 3/31/16 because this case was heard previously, continued to this date certain, and requires the same sitting Board Members to be re-opened. These three required Board Members are available and will be present on 3/31.

Unanimous Board grant of continuance.

118 Pleasant Street – Convert from three-family dwelling to a four-family dwelling and construct a detached garage

Board Chairman Geller called case #2016-0002 and reviewed standard hearing procedure.

Board Member Christopher Hussey stated that he submitted disclosure statement to the Town indicating that he worked with project architect CYMA2 as the founding principle in 1997 and sold his ownership interest in 2005. Subsequently, he did work in a part-time capacity until 2010. Mr. Hussey confirmed that he reviewed this disclosure statement town counsel and filed appropriate documentation with the Board of Selectmen.

The Applicant's Attorney, Robert Allen of the Law Office of Robert Allen (300 Washington Street), waived a reading of public hearing notice for the record and introduced property owners Milenko and Milijana Beslic. Attorney Allen stated that the subject property is a three-family dwelling located within the M-1.5 apartment house zoning district near Amory Park. Attorney Allen stated that a nearly identical proposal was submitted by the Petitioners and approved by the Board of Appeals in 2007 but construction never commenced. Since that time, granted zoning relief has expired and the existing detached garage is in need of repair. Attorney Allen stated that the Petitioner is seeking relief to convert the existing basement, which is largely located at grade level, into a fourth dwelling unit. This conversion can be accomplished with minimal exterior addition or alteration to the existing structural footprint. The proposal also calls for the full demolition of an existing two-car garage located in the rear alleyway and the re-construction of a four-car garage. Due to the slope of the lot, the garage is constructed into an embankment allowing for two parking

spaces at a lower level and two parking spaces at the roof level. The Petitioners are also proposing to maintain two existing surface level parking spaces for a total of six spaces.

Attorney Allen confirmed that the Preservation Commission did not find the existing garage to be non-significant and therefore had no objection to the proposed demolition.

Tanya Carrier of CYMA 2 Architects in Somerville, MA discussed the proposed garage design in more detail. Ms. Carrier stated that the existing "basement level" of the multi-family dwelling is currently used for storage and mechanical purposes. The proposed fourth residential unit will include two bedrooms and 1,250 s.f. of living space. Two new window wells will be installed at the rear of the structure to satisfy light and egress requirements. No similar modifications are required for the front of the structure along Pleasant Street because the units is at grade level due to the natural slope of the lot.

Ms. Carrier further stated that proposed two-level garage is nearly identical to an immediately abutting garage located at 116 Pleasant Street. The garage will include two parking spaces at the lower level and two spaces at the upper level. Space for trash storage and plantings are incorporated at the upper level and more general storage space is provided at the basement level. No center garage column will be installed in order to improve vehicular maneuverability.

Board Member Geller questioned whether or not this additional storage space requires that the northern garage wall be extended into the alleyway that is used for vehicular access for several apartment buildings located along Pleasant Street. Attorney Allen stated that the northern wall will indeed be extend to the north by approximately 2'-9". This exterior area is currently used for trash storage which will now be sheltered at the upper garage level. Attorney Allen stated that the garage footprint will be expanded but the width of the alleyway access will remain at approximately 10 feet. Attorney Allen also restated that two surface parking spaces at the rear of the primary structure are pre-existing.

Mr. Geller asked if any safety concerns arise due to the slope of the alleyway access point, particularly for residents parking at the upper garage level. Attorney Allen stated that slip-resistant concrete will be installed along the sloped alleyway and a handrail will be installed along the exterior northern garage wall.

Board Member Hussey stated that the garage parking configuration is a creative solution to better organize parking and access in this rear alleyway. Mr. Hussey asked if the Petitioner is proposing and landscaped open space improvements and if a variance or special permit was issued for the nonconforming open space at the prior hearing on this matter.

Attorney Allen stated that existing landscaped open space at the front of the property will be improved and the upper portion of the garage does provide approximately 45 square feet of additional landscaped open space. Attorney Allen further stated that the rear portion of the lot consists almost exclusively of paved surface and there is little or no opportunity to satisfy usable open space requirements. Attorney Allen did confirm that prior relief granted in 2007 did include a variance for usable open space requirements.

Attorney Allen stated that the current proposal before the Board requires zoning relief for design review because maximum floor area ratio requirements are slightly exceeded due to the basement conversion, front-yard setbacks because the rear portion of the property is interpreted as a front yard due to the access alleyway, and both landscaped and usable open space requirements. A

waiver of parking requirements is also requested because 6 total off-street parking spaces are proposed and the four residential units necessitate 9 total parking spaces.

Attorney Allen further stated that the Planning Board supported the overall design of the project. The provisions of Zoning By-Law Section 5.43 may be applied to waive all setback requirements if counterbalancing amenity is proposed. Attorney Allen cited overall parking improvement, safety improvement features, the installation of a new trench drain, and landscaped open space improvements as provided counterbalancing amenities. Attorney Allen stated that 50% of required off-street parking spaces may be waived by special permit under Section 6.01.2.a of the zoning By-Law because the property is located within an Apartment House (M-1.5) zoning district.

Attorney Allen noted that open space requirements generally require a variance to be waived but Section 5.05 does provide for a waiver of all dimensional requirements, aside from minimum lot size, when additional dwelling units are created in an M-1.5 district. Attorney Allen reiterated the fact that the proposed creation of a fourth dwelling unit does not alter the existing footprint of the overall structure and the property does not currently conform to open space requirements. Attorney Allen concluded his comments by reviewing project compliance with the general standards for the grant of a special permit in accordance with Zoning By-Law Section 9.05.

Board Member Kate Poverman requested additional detail regarding a prior site plan that included two compact surface parking spaces.

Attorney Allen stated that the Petitioner's original proposal included 5 garage parking spaces and two compact surface parking spaces. Following a public meeting with the Planning Board, one of the garage spaces was eliminated from the proposal in order to improve overall vehicular circulation in the area. Attorney Allen believed that this reduction in garage parking spaces alleviate the need for compact surface parking spaces. Additionally, compact vehicle parking can be challenging to enforce.

Mr. Hussey stated that provided parking space dimensions tend self-monitor the type of vehicles utilizing these spaces. Mr. Hussey concurred that vehicular maneuverability for the garage and surface spaces is sufficient.

Attorney Allen alternatively presented a variance argument for the open space deficiency if the Board was not satisfied that the provisions of Zoning By-Law Section 5.05 are applicable in this instance. In accordance with M.G.L. c.40A, Section 10, Attorney Allen argued that the row houses at 118 and 116 Pleasant Street present a natural slope from the rear of the property down toward Pleasant Street. This change in grade is not commonly found within the surrounding M-1.5 district. This topography resulted in the construction of detached garages and retaining that are built into the natural grade itself. Additionally the rear portions of these row houses along Pleasant Street are almost entirely paved surface that provides limited opportunity to improve the aforementioned open space deficiency. Attorney Allen further stated that the combination of this natural topography, the location of the accessory garage, and the pre-existing nonconforming open space places undue hardship on this proposal. Attorney Allen concluded that there is little to no option to produce new open space, and any new open space would not adequately satisfy the intent of usable open space requirements.

The Board had no further questions. Board Chairman Geller called for public comment in favor of, or in opposition to, the Petitioner's proposal.

Steve Pell of 116 Pleasant Street stated that a compact vehicle currently parks at the southernmost. Mr. Pell supported the condition that this space remain as a compact space in order to maintain safe passage along the alleyway for himself and residents that live along Pleasant Street. Mr. Pell agreed that maneuverability in and out of garage spaces is feasible but the slope and angle required to enter his property from the rear can be unsafe, particularly in inclement weather.

Board Chairman Book requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board. Mr. Rosa stated that the Planning Board unanimously supported the basement unit and reconstructed garage. Board Members felt that the garage design was consistent with detached garages along the alleyway and will serve to further organize parking in this area. The Board did recommend that one of the three ground level garage spaces be eliminated to reduce the overall width in order to maintain safe vehicular access, these recommendations have been incorporated into revised plans. The Board also felt that the basement conversion requires minimal exterior alteration. The Board did not discuss the open space situation at length but did agree that landscaping and vehicular screening should be enhanced and maintained. Mr. Rosa further stated that the Planning Board recommended approval of the plans titled "118 Pleasant Street" prepared by CYMA2 Inc., dated 12/31/15, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, showing a two over two car garage, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating two surface parking spaces as well as all drainage improvements.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Board Member Hussey concurred with Mr. Pell's comments regarding improved safety if the southern-most surface parking space is designated exclusively for compact vehicles. Attorney Allen stated that the Petitioner had no objection to maintain this space for compact vehicle use only.

Chairman. Geller requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department has no objection to the relief as requested. Similar rear parking areas and alleyways are consistently challenging throughout Brookline and this proposal is aimed at organizing the parking configuration behind 118 Pleasant Street. Mr. Yanovitch further stated that existing garages in the area extend over the alleyway right of way and this particular proposal maintains a clear 10-foot wide access point at the most narrow "choke point."

Chairman Geller requested clarification whether Section 5.05, as referenced by Attorney Allen, can be applied to usable open space specifically. Mr. Yanovitch confirmed that the By-Law language captures all "dimensional requirements."

Board Deliberation

Mr. Hussey again supported the establishment of a condition that maintains one surface compact parking space, citing the tight angle and slope required to access parking associated with properties beyond 118 Pleasant Street. Mr. Hussey also supported the application of By-Law Section 5.05 rather than a variance finding if the Board indeed grants zoning relief for the deficient usable open space.

Ms. Poverman stated that the special permit and variance standards can be met in this instance. Mr. Poverman stated that she was in favor of granting the relief as requested.

Chairman Geller stated that he supported the original 2007 application that lapsed and this proposal does not significantly deviate from that proposal. Mr. Geller agreed that both the special permit and variance standard are established and he stated a preference for the grant of a special permit for the required usable open space. Mr. Geller commended the abutting resident for communicating parking concerns to the Board and he commended the Petitioner for the willingness to address the compact parking space concern.

The Board unanimously voted to grant special permit relief as requested subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, showing a two over two car garage, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities and plantings in the front-yard facing Pleasant Street, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating one standard and one compact surface parking space, and all drainage improvements, subject to review and approval by the Assistant Director for Regulatory Planning and the Director of Engineering and Transportation.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

132 Carlton Street – Convert existing single-family dwelling to a 16-room lodging house with 1 caretaker suite

Board Chairman Geller called case #2016-0004 and reviewed standard hearing procedure.

Charles Weinstein, Chief Real Estate Officer for Boston Children's Hospital waived a reading of public hearing notice for the record and introduced project architect Martin Batt of Isgenuity, and

Attorney Timothy Sullivan of Goulston and Storrs. Mr. Weinstein stated that he is seeking to convert the use of a large single-family dwelling located at 132 Carlton Street into a lodging house for the parents of hospital patients. A similar project was completed at 241 Kent Street in Brookline in order to provide affordable housing options for parents who wish to stay locally in a residential environment for extended periods of time. Mr. Weinstein stated that hospital operations continue to expand and this form of lodging, rather than a hotel is a priority. Mr. Weinstein described 132 Carlton Street as a beautiful property that was previously owned by Boston University.

Mr. Batt stated that the referenced 241 Kent Street project received a preservation award from the Town and he approached this project with similar goals for improving the functionality of the structure while maintaining as much historic character as possible. Mr. Batt confirmed that the current proposal before the Board was significantly vetted by the Preservation Commission and there is a concerted effort to fit the surrounding residential fashion of this neighborhood.

Mr. Batt stated that the French Renaissance style structure was built in 1908 and includes an accessory garage that was deemed to be architecturally significant by the Preservation Commission. The property abuts a private right-of-way to the north and is bound by public ways to the east and south. This configuration creates three front-yards when interpreted from a zoning standpoint. Very few minor alterations are proposed beyond purely restorative work and the majority of dimensional relief required is a direct result of the pre-existing condition of the property. A small edge or retaining wall will also be installed along the Carlton and Euston Street lot lines to mulch and garden materials from falling onto the public sidewalk.

Mr. Batt further stated that the primary functioning entrance to the structure will be situated on the private way to incorporate an ADA compliant access ramp. An interior elevator is also proposed, which does require associated rooftop equipment that does not project above the existing roof plane. A 6-foot tall masonry wall will be installed along a portion of the Euston Street lot line to enclose an outdoor passive patio space that is accessible from the rear of the structure.

Mr. Batt reviewed proposed floor plans with the Board, specifically highlighting basement storage space, a first-floor common kitchen, a second-floor living space for a live-in caretaker, and various lodging rooms located at the first, second, and attic levels. An effort was made to minimize interior modifications but a second interior staircase is required to meet egress requirements for the lodging house use.

Board Member Kate Poverman requested additional detail regarding the current and proposed bedroom count. Mr. Batt stated that 8-10 rooms currently exist and 16 total bedrooms will be created.

Attorney Sullivan reviewed required zoning relief and subsequent standards for the grant of this relief. The subject property is located within an S-7 district and the structure is pre-existing nonconforming in terms of the floor area ratio (FAR) and both front and rear setbacks for the primary structure. Mr. Sullivan reiterated the fact that the structural footprint will not be altered.

Attorney Sullivan further stated that the proposed use change to the lodging house requires design review and the two new parking spaces necessary to meet overall parking requirements also need setback relief. By-Law Section 6.06 also requires loading bays for the lodging house, which the Petitioner does not believe is necessary and is therefore requesting relief from that requirement. Lastly, Attorney Sullivan confirmed that the proposed conversion itself requires a use variance and a special permit is required to alter the pre-existing non-conforming structure.

Attorney Sullivan reviewed project compliance with the general standards for the grant of a special permit in accordance with Zoning By-Law Section 9.05. The Petitioner also intends to comply with all light, noise, egress, and ADA requirements established locally and at the state level.

Attorney Sullivan further described compliance with the statutory requirements for the grant of a use variance. This proposal will restore an historic structure. The subject lot is bound on three sides by public and private ways and it is elevated above the natural grade. Attorney Sullivan believed this condition to be unique within the surrounding zoning district. Mr. Sullivan believed that the proposed lodging house aligns with the residential intent of the district and the literal enforcement of use regulations would limit the ability for this underutilized property to come “back online” as a long-term taxable asset. Mr. Sullivan and Mr. Weinstein confirmed that the Petitioner has entered into a Pilot Agreement with the Town to maintain tax revenue. This agreement is similar to the successful agreement established for 241 Kent Street. Attorney Sullivan concluded his statements by confirming that the projected budget for this restoration/repair is approximately \$10 million.

Ms. Poverman requested additional detail regarding fees associated with lodging. Mr. Weinstein stated that the lodging service is quasi-free because a requested payment of \$35 per night if possible. In general, the Petitioner receives an average of \$17 per night for lodging and the hospital largely subsidizes the lodging operation.

Chairman Geller questioned whether the Pilot Agreement directly relates to the use variance requirement to maintain a taxable asset in accordance with By-Law Section 9.09. Attorney Sullivan confirmed that the Pilot Agreement satisfies this requirement but the Petitioner would be willing to establish such agreement aside from this requirement.

Chairman Geller called for public comment in favor of, or in opposition to the Petitioner’s proposal.

Dr. Sam Bogoch stated that he has lived at 122 Euston Street with his wife Elenore since 1957. This property is directly across the street from the subject property. Mr. Bogoch stated that he is not opposed to the use that will help families and children, however he does have concern regarding adverse impact associated with noise, lighting, parking, delivery, traffic, and the overall increase in the intensity of use.

Mr. Bogoch stated that 28 people could stay at the lodging house at a single time which undoubtedly increases activity. Mr. Bogoch also stated that he visited the similar 241 Kent Street property and was concerned about the level of light and activity generated from the property. Mr. Bogoch did not agree that this proposed use conversion will result in the same level of amenity for him as an abutting resident and he believed that a proposed access gate to rear portions of the

property from Euston Street will increase the likelihood of deliveries and lodger drop-off at this side of the property rather than the private way located to the north of the site. Mr. Bogoch concluded his statements by encouraging the Petitioner to maintain existing trees located around the proposed rear patio.

Chairman Geller requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board. Mr. Rosa stated that the Planning Board unanimously recommended approval of the use conversion. The majority of requested relief is associated with the use change itself rather than exterior modifications to the structure. Exterior work is relatively modest and primarily consists of restoration of historic elements. Board Members were in agreement that all vehicular access whether it be for lodgers, hospital transport, or deliveries should be limited to the private way or Carlton Street. All alterations that fall under Preservation Commission purview have been vetted aside from the aforementioned access gate at the brick wall along Euston Street so that will require preservation review if approved by the Board. The Planning Board agreed that the intensity of the use will be enhanced and did recommend that an effort be made by the Petitioner to mitigate noise and light impact on abutting residents. Mr. Rosa confirmed that if the Board of Appeals does find that the statutory requirements for a use variance are met, the Planning Board recommends approval of the plans titled "132 Carlton Street Renovations" prepared by Isgenuity, dated 1/04/2016 and 3/7/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, including color, window and material details, subject to the review and approval of the Preservation Commission and the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final site and landscaping plan, indicating all parking space dimensions and pickup areas, mechanical equipment, lighting, walls, fencing, and counterbalancing amenities, subject to the review and approval of the Preservation Commission and the Assistant Director of Regulatory Planning.
3. One identification sign shall be allowed subject to the review and approval of the Assistant Director of Regulatory Planning.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision:
1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Geller requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department appreciates the concerns raised by Mr. Bogoch, and he characterized the requested zoning relief as being minimal, aside from the use variance itself in which he defers to the findings of this Board. Mr. Yanovitch concurred that the project design was significantly vetted and the Town Zoning By-Law provides for use variance, particularly if the proposal serves to restore and maintain an

historic structure as a taxable asset. Mr. Yanovitch noted that the proposed gate along Euston Street does improve egress when considered from a Building Code standpoint. Additionally, Mr. Yanovitch confirmed that a lighting plan should be submitted for Town review prior to the issuance of a building permit if approved by the Board.

Attorney Sullivan stated that the majority of families utilizing the lodging service do not live in the immediate area so additional traffic generation is expected to be lower than more traditional lodging houses. The entirety of the project design is intended to encourage entry and exit from the private way and the referenced gate on Euston Street is largely intended for egress purposes. All entry and exit points to the property will be locked for security purposes.

Mr. Batt stated that one tree located in the rear yard is slated for removal because an arborist determined that it is in fact dying. Mr. Weinstein further stated that landscape features along Euston Street can be revised and the Petitioner is happy to work closely with Mr. and Mrs. Bogoch in an effort to mitigate potential impact.

Applicant rebut – traffic most if not all families are from out of town – have limited vehicles – 4 spaces for bylaw requirements – spend day at hospital and car service access – patients to not come to lodging house – all design encourage access from private way

Mr. Hussey stated that the access ramp along the private way is well designed and takes advantage of the natural grade of the property. Mr. Hussey felt that this design is ideal for focusing all guest and delivery related activity in this area.

Ms. Poverman requested additional information regarding the maximum height of the brick wall along a portion of the Euston Street lot line. Mr. Batt confirmed that the wall does not extend beyond 6 feet in height.

Ms. Poverman also questioned if the Petitioner has considered any mitigation strategy to limit noise in the rear patio area particularly during evening hours. Mr. Weinstein stated that the population utilizing this lodging service is not inclined to participate in loud outdoor activities and this passive outdoor space is located directly below the care taker living quarters.

Lastly Ms. Poverman questioned if any safety issues or complaints have emerged with the 241 Kent Street property. Mr. Weinstein stated that he is not aware of any such issues.

Board Deliberation

Ms. Poverman supported the fact that the property will be maintained as a taxable asset and she believed that the standards for the grant of a use variance and special permits are met. Ms. Poverman stated that she was inclined to grant the zoning relief as requested, particularly if the Petitioner agrees to continue to work closely with abutting residents.

Mr. Hussey concurred with Ms. Poverman's comments.

Chairman Geller agreed that the Pilot Agreement aligns with the requirement for the grant of a use variance. Mr. Geller that an evaluation of the standards for the grant of a special permit under By-

Law Section 9.05 does not occur in a vacuum and must be considered in totality. Mr. Geller believed this proposal to be a particularly good use of an unusually large structure, and it is financially challenging to restore this structure as a single-family dwelling. Mr. Geller agreed that the information provided by Mr. Bogoch was pertinent and useful in informing the Boards evaluation. Mr. Geller also appreciated the Petitioner's willingness to address those concerns.

The Board agreed that special permit standards are satisfied in accordance with By-Law Section 9.05, 5.09, 5.43, 6.04.12, and 6.06.7. The Board also agreed that the statutory requirements for a variance are also met in accordance with By-Law Section 9.09 and M.G.L., c.40A, Section 10.

Unanimous Board grant of requested relief, subject to conditions stated for the record.

Hearing Closed.